

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**MEMORANDUM AND ORDER**

This matter is before the Court on a Motion to Dismiss filed by Fresenius USA Manufacturing, Inc. (“Fresenius”). (Doc. 6.) On October 1, 2018, Plaintiff filed suit against Fresenius and Defendant Renal Care Group, Inc., alleging discrimination on the basis of her age and disability. (Doc. 1.) Shortly thereafter, Fresenius filed a Motion to Dismiss on the ground that Plaintiff’s right-to-sue letter had been reconsidered and withdrawn before she filed suit. (Doc. 6.) Fresenius argued that Plaintiff had thus failed to exhaust her administrative remedies and that she therefore lacked jurisdiction to proceed. (Doc. 7.)

On April 8, 2019, with leave of Court, Plaintiff filed an Amended Complaint naming Renal Care Group as the only defendant. (Doc. 11.) Plaintiff's Amended Complaint includes an apparently valid right-to-sue letter. (Doc. 11-1.) Renal Care Group answered the Amended Complaint (Doc. 12), and Fresenius has been terminated from the case. Because Fresenius is no longer a party, its Motion to Dismiss is moot.

Accordingly,

**IT IS HEREBY ORDERED** that Fresenius USA Manufacturing, Inc.'s Motion to Dismiss (Doc. 6), is **DENIED as moot**.

Dated this 16th day of July, 2019.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE